

**BEFORE THE**  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2010-91-C**

IN RE:

Virgin Mobile USA, L.P.  
Petition for Limited Designation as an  
Eligible Telecommunications Carrier  
in the State of South Carolina

)  
)  
) **VIRGIN MOBILE’S REPLY TO**  
) **MAY 27, 2010 FILING BY ADVOCATES**  
) **FOR UNIVERSAL ACCESS**  
)

Virgin Mobile USA, L.P. (“Virgin Mobile”) hereby files its reply to the May 27, 2010 filing by Advocates for Universal Access (“AUA”). As set forth herein, the Commission must deny AUA’s Petition to Intervene in this Docket.

**BACKGROUND**

1. On April 12, 2010, AUA filed its Petition to Intervene in this Docket.
2. On April 27, 2010, pursuant to S.C. Code Ann. Regs. §§ 103-825(A)(3) and 103-831, Virgin Mobile filed and served its Objection to AUA’s Petition to Intervene (“Objection”). Therein, Virgin Mobile pointed out several reasons why AUA was not a proper party in this Docket, and requested that the Commission deny AUA’s Petition to Intervene. Virgin Mobile incorporates its Objection herein by reference.
3. On May 20, 2010, the Commission issued an Order (in the form of a Directive) ruling in relevant part, (based upon a Motion by Commissioner Mitchell and carried unanimously):

Virgin Mobile USA, L.P. has raised substantive issues regarding Advocates for Universal Access’ or AUA’s Petition to Intervene, to which AUA has not provided any response. I move that we give AUA five (5) days from the date of the order to respond to Virgin Mobile USA, L.P.’s objection to AUA’ Petition to Intervene and to notify the Commission of its selection of counsel authorized to practice in South Carolina. If AUA fails to respond within the allotted time, its Petition to Intervene will be denied.

4. On May 27, 2010, AUA submitted a document purportedly in response to the Commission's Order of May 20<sup>th</sup>.

### **ARGUMENTS**

1. AUA's response is untimely. The Commission Order required AUA to respond within five days of the Order, or by no later than May 25<sup>th</sup>. However, AUA's response is dated May 27, 2010.

2. Even if its response were timely, AUA ignored the Commission's Order and did not respond to the issues raised by Virgin Mobile in its Objection. As set out below, AUA's response improperly purports to set forth unsubstantiated facts and arguments related to this Docket, and is silent on the substantive issues raised by Virgin Mobile.

3. Moreover, AUA ignored the Order's requirement that AUA engage local counsel for this Docket. AUA's Response, like its Petition to Intervene, was signed by an individual who does not appear to be a member of the South Carolina Bar (or any bar).

4. Finally, AUA proceeded to provide unsubstantiated "comments" and "concerns" about this Docket, in a manner that is both procedurally and substantively improper. In order to participate in this Docket, AUA must prove its interest in this proceeding and be afforded status as a party—a position it does not enjoy. Substantively, as the Commission is well aware, parties to a contested case before the Commission do not provide "comments," but rather evidence, in the form of prefiled and hearing testimony. See S.C. Code Ann. Regs. § 103-846.

5. In addition to flouting the clear requirements of the Commission's Order, AUA has also ignored Commission Rules and procedure in its attempt to put

unsubstantiated facts and arguments before the Commission. AUA's actions are the functional equivalent of standing outside the Commission's Hearing Room and shouting in the hopes of having its position considered. AUA is not, however, in the Hearing Room (as a party) or on the stand (providing evidence). Consequently, Virgin Mobile will not address the issues raised in AUA's "comments" herein, but will present evidence to the Commission at the appropriate time and consistent with the Commission's Rules of Practice and Procedure.

WHEREFORE, Virgin Mobile requests that the Commission deny AUA's Petition to Intervene for the reasons set forth above and in its Objection, exclude AUA's response from the formal Record in this case, and grant such other relief as is just and proper.

Respectfully submitted,

VIRGIN MOBILE USA, L.P.

s/John J. Pringle, Jr.

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June 4, 2010

**BEFORE THE**  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2010-91-C**

IN RE:	)	
	)	
	)	
Virgin Mobile USA, L.P.	)	
Petition for Limited Designation as an	)	<b>CERTIFICATE OF SERVICE</b>
Eligible Telecommunications Carrier	)	
in the State of South Carolina	)	

This is to certify that I have caused to be served this day, one (1) copy of **Virgin Mobile's Reply to May 27, 2010 Filing by Advocates for Universal Access** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

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s/John J. Pringle, Jr. \_\_\_\_\_  
John J. Pringle, Jr.

June 4, 2010  
Columbia, South Carolina